

Ser. No. 10/664,526  
Response to Office Action of 24 May 2005

## **REMARKS**

### **Claim Status**

Claims 1-12 were pending at the time of the Office Action. All are cancelled.  
New independent claim 13 and dependent claims 14-19 are presented in this response.

### **Interview Summary**

The undersigned attorney thanks the Examiner for the opportunity of an interview on 7 June at the Patent Office, at which new claim 13 was discussed and the undersigned attorney showed the Examiner that none of the cited prior art anticipates claim 13, for the reasons set forth below.

### **Rejection of Claims under 35 U.S.C. § 102(b)**

The Examiner rejected claims as anticipated by four US Patents:

4,685,260 to Jenn ("Jenn '260")  
4,575,977 to Taylor ("Taylor '977")  
4,007,565 to Finnegan ("Finnegan '565")  
5,469,673 to Raynor ("Raynor '673").

Before addressing these rejections *seriatim*, the applicant respectfully notes that the Examiner's prior rejection of the claims as anticipated by US Patent 5,941,034 to Frankfurt has not been repeated, and the prior rejection of claim 1 is now mooted by its cancellation. Although not specifically addressed, the applicant has reviewed new claim 13 against Frankfurt '034 and believes that it is clearly distinguished therefrom.

#### **Jenn '260**

Jenn '260 does not show the presence of a first and a second property lot, and the existence of the first and second property lots cannot be fairly inferred from any statements in Jenn '260. While the Examiner's rejection of claim 1 may have been correct when the property lots were inferentially claimed, it cannot hold up against a direct claim of the lots, as now made in claim 13.

#### **Taylor '977**

Taylor '977 clearly shows separate first and second property lots with a common property line, and each property lot has an independent living unit situated thereon, but

Ser. No. 10/664,526  
Response to Office Action of 24 May 2005

none of the various sets of adjacent property lots in Taylor '977 show the independent living units "structurally attached to each other by a commonly shared portion with the common property line passing therethrough." For that reason, Taylor '977 does not anticipate claim 13.

#### Finnegan '565

Finnegan '565 is directed to a dwelling module system that allows for a high-density arrangement of independent living units. Finnegan '565 shows first and second property lots 13 with a common property line 14. Finnegan also shows an individual living unit situated on each of the property lots. However, Finnegan '565 does not show any independent living units "structurally attached to each other by a commonly shared portion with the common property line passing therethrough."

Finnegan '565 seems to show some adjacent residential living units that are structurally attached to each other, such as units 2 and 4 in Fig. 1, but the structural attachment is achieved through a garage unit, and the garage unit does not cross a common property line between the adjacent living units, as they are not located on separate property lots. For this reason, Finnegan '565 does not anticipate claim 13.

#### Raynor '673

Raynor '673 teaches a system of integrated residential housing units, but lacks any teaching of an adjacent pair of the housing units being situated on separate property lots, attached by a commonly shared portion with the property line between the lots passing through the shared portion. If anything, Raynor '673 proposes a situation similar to apartment living, in which case separate property lots would not be implicated. The Examiner cannot infer the existence of the separate property lots in Raynor '673.

#### CONCLUSION

Applicant has distinguished the subject matter of the present invention over the teachings of the references cited as prior art by the Examiner.

Ser. No. 10/664,526

Response to Office Action of 24 May 2005

Therefore, Applicant respectfully submits that the present application is now in condition for allowance, and entry of the present amendment and allowance of the application as amended is earnestly requested. Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

Respectfully submitted,

Date: 8 June 2005By: 

Stephen L. Grant  
Registration No. 33,390  
Standley Law Group LLP  
495 Metro Place South, Suite 210  
Dublin, Ohio 43017-5319  
Telephone: (614) 792-5555  
Facsimile: (614) 792-5536  
E-mail: [sgrant@standleyllp.com](mailto:sgrant@standleyllp.com)